



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/1471

Re: Property at 86 Ashgill Road, Milton, G22 6QN (“the Property”)

Parties:

Mr Thomas Graham, Flat 2/1 Kirkton, Old Kilpatrick, G60 5LB (“the Applicant”)

Miss Linda Mckinnon, 86 Ashgill Road, Glasgow, G22 6QN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Applicant and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application.

Background

1. The Applicant submitted an application under Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent.
2. By decision dated 11 September 2024, a Convenor of Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal intimated the application to the parties by letter of 28 November 2024 and advised them of the date, time and conference call details of a CMD on 28 January 2025. The Respondent was invited to make written representations by 19 December 2024. No written representations were received.

The case management discussion

4. Neither party participated in the CMD. The Tribunal convened the CMD at 10:00 and kept the telephone line open until 10:15am by which time neither party had joined the conference call.

Reason for Decision

5. Rule 27 (2) of the Procedure Rules sets out:-

(2) The First-tier Tribunal may dismiss the whole or part of the proceedings if the applicant has failed to—

(a) comply with an order which stated that failure by the applicant to comply with the order could lead to the dismissal of the proceedings or part of them; or

(b) co-operate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly and fairly.

6. In the absence of either party at the CMD, the Tribunal was unable to determine the application justly or fairly. In the circumstances, the application was dismissed.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Nicola Irvine

Legal Member/Chair

28 January 2025
Date